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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,005	11/21/2003	Matthew Howard Fronk	h-203754	3992

60770 7590 09/15/2009

General Motors Corporation  
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EXAMINER
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DOVE, TRACY MAE

ART UNIT	PAPER NUMBER
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1795

MAIL DATE	DELIVERY MODE
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09/15/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* MATTHEW HOWARD FRONK; RODNEY LYNN BORUP;  
JAY S. HULETT; BRIAN K. BRADY; KEVIN M. CUNNINGHAM

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Reissue Application 10/720,005  
Patent 6,372,376  
Technology Center 1700

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Mailed: September 15, 2009

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Before LYNN M. KRYZA, *Deputy Chief Trial Administrator*.

ORDER RETURNING UNDOCKETED APPEAL

This reissue application was electronically received by the Board of Patent Appeals and Interferences on September 14, 2009. A review of the reissue application revealed that it is not ready for docketing as an appeal. Accordingly, the reissue application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

REISSUE AMENDMENTS, SUPPLEMENTAL DECLARATION  
REQUIRED

The Amendments dated *September 26, 2005; October 17, 2007; February 12, 2008 and June 30, 2008* do not appear to have been accompanied by a supplemental reissue declaration. Whenever claims are amended or added, a supplemental reissue declaration is required pursuant to MPEP 1414.01. Form PTO/SB/51S, "Supplemental Declaration For Reissue Patent Application To Correct 'Errors' Statement ([see] 37 C.F.R. § 1.175(b)(1)), " may be used to prepare a supplemental reissue declaration. Form PTO/SB/51S serves to indicate that every error in the patent that was corrected in the reissue application, but was not covered by a prior reissue oath/declaration submitted in the reissue application, arose without any deceptive intention on the part of the applicant.

REJECTION OF ALL THE REISSUE CLAIMS UNDER 35 U.S.C. 251

It does not appear that the Examiner has included in an Office action the appropriate rejection of all the reissue claims under 35 U.S.C. 251, as being based upon a defective reissue declaration, and the requirement of a supplemental reissue declaration signed by the reissue applicant to overcome such rejection. See MPEP § 1414.01 and MPEP § 1444 for details.

## CONCLUSION

Accordingly, it is

ORDERED that the application be returned to the examiner for the following:

- 1) mail a communication setting forth the appropriate rejection of all the reissue claims under 35 U.S.C. 251, as being based upon a defective reissue declaration, and the requirement of a supplemental reissue declaration signed by the reissue applicant to overcome such rejection, per MPEP 1414.01 and MPEP § 1444; and,
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

LMK/MAT

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